

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE METHYL TERTIARY BUTYL ETHER
("MTBE") PRODUCTS LIABILITY
LITIGATION

Master File No. 1:00-1898
MDL 1358 (SAS) M21-88

This document relates to:

*Commonwealth of Pennsylvania, et al. v. Exxon
Mobil Corporation, et al.,*
Case No. 1:14-cv-06228 SAS

**DECLARATION OF BARBARA DRISCOLL IN SUPPORT OF
PLAINTIFF COMMONWEALTH OF PENNSYLVANIA'S OPPOSITION
TO VITOL S.A.'S MOTION TO DISMISS**

I, Barbara Driscoll, declare:

1. I am an administrative assistant at the law firm of Cohen, Placitella & Roth, P.C., located in Philadelphia, Pennsylvania, which represents the Plaintiff, The Commonwealth of Pennsylvania in this case. This Declaration is based on my personal knowledge and, if called as a witness, I could testify competently thereto.
2. I have been involved in arranging for service of process of the defendants in this case.
3. After this case was commenced in the Philadelphia County Court of Common Pleas, I originally attempted to make service on Vitrol S.A. by certified mail in Texas as permitted by the Pennsylvania Rules of Civil Procedure but that attempt failed. I then served Vitrol S.A. with the original

Complaint and summons via certified mail at 1270 6th Avenue, Suite 1030, New York, New York.

4. The Complaint and summons was delivered to that New York address on July 7, 2014. Attached hereto as Exhibit 1 is a true and correct copy of the notification that the summons was delivered to that address. With that notification, I believed I had properly served Vitol S.A.
5. On August 18, 2015, I learned that Vitol S.A. had informed co-counsel that it had not been served with the complaint. Vitol S.A.'s claim was investigated and in the course of that it was determined that service could be made at an alternate address for Vitol S.A. in Puerto Rico.
6. I then requested issuance of a new summons from the District Court's Clerk's office and a new summons for Vitol S.A. was issued by the Clerk. I thereafter arranged for service to be made at the address in Puerto Rico. Personal Service of the summons was made on Vitol S.A. on October 14, 2015, on a person authorized to accept service of process on behalf of Vitol S.A. Inc. Attached hereto as Exhibit 2 is a true and correct copy of the notification that the summons was delivered and a signed acceptance by a person designated by Vitol S.A.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 4th day of December, 2015 at Philadelphia, Pennsylvania.

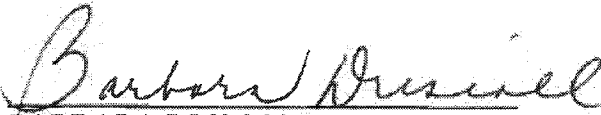

BARBARA DRISCOLL

EXHIBIT 1

COHEN / PLACITELLA / ROTH PC
ATTORNEYS AT LAW

MICHAEL COREN
mcoren@cpirlaw.com

June 24, 2014

VITOL S.A.
1270 6th Avenue
Suite 1030
New York, NY 10020

Re: **Commonwealth of Pennsylvania v. Exxon Mobil Corporation, et al.**
Court of Common Pleas, Philadelphia County; No: 1406-02881

TO WHOM IT MAY CONCERN:

Enclosed herewith are the following documents:

1. Civil Action Complaint and Jury Demand; and
2. Notice of the Intent to Serve a Subpoena to Produce Documents and Things for discovery pursuant to PA R.C.P 4009.21.

Please take NOTICE that you have been sued in the Philadelphia Court of Common Pleas in the above captioned matter. If you wish to defend against the claims set forth in the following pages, you must take action as described in the Notice on the enclosed Complaint. This letter and enclosed Complaint constitutes service of process upon you under Pennsylvania law.

YOU SHOULD FORWARD OR TAKE THESE PAPERS TO YOUR LAWYER AT ONCE AND/OR NOTIFY YOUR INSURANCE CARRIER IN ORDER TO PROTECT YOUR RIGHTS.

Sincerely,


MICHAEL COREN

MC/bad
Enclosures
Sent via Certified Mail Delivery -RRR

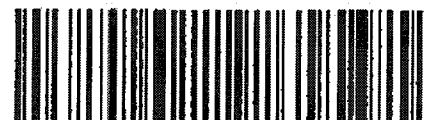
PHILADELPHIA, PA RED BANK, NJ LEMOYNE, PA BALA CYNWYD, PA

TWO COMMERCE SQUARE 2001 MARKET STREET, SUITE 2900 PHIL
215.567.3500 888.375.7600 FAX 215.567.6019

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| DATE & TIME | STATUS OF ITEM | LOCATION |
|---|--------------------------------------|------------------------|
| July 7, 2014, 5:29 pm | Delivered | NEW YORK, NY 10020 |
| Your item was delivered at 5:29 pm on July 7, 2014 in NEW YORK, NY 10020. | | |
| July 7, 2014, 10:01 am | Out for Delivery | NEW YORK, NY 10020 |
| July 7, 2014, 9:51 am | Sorting Complete | NEW YORK, NY 10020 |
| July 7, 2014, 8:47 am | Arrival at Unit | NEW YORK, NY 10020 |
| July 6, 2014, 1:50 am | Depart USPS Sort Facility | BETHPAGE, NY 11714 |
| July 4, 2014, 9:07 pm | Processed through USPS Sort Facility | BETHPAGE, NY 11714 |
| July 4, 2014, 12:25 am | Processed through USPS Sort Facility | PHILADELPHIA, PA 19116 |

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EXHIBIT 2

AO 440 (Rev. 12/09) Summons in a Civil Action (Page 2)

Civil Action No. 1:14-cv-06228

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for (name of individual and title, if any) VITOL SA INC C/O THE PRINCE HALL CORPORATION
was received by me on (date) 10/11/2015

☐ I personally served the summons on the individual at (place) _____
on (date) _____; or

☐ I left the summons at the individual's residence or usual place of abode with (name) _____
_____, a person of suitable age and discretion who resides there,
on (date) _____, and mailed a copy to the individual's last known address; or

☒ I served the summons on (name of individual) KENNETH BURY - PERSON AUTHORIZED, who is
designated by law to accept service of process on behalf of (name of organization) VITOL S.A. INC
254 MUÑOZ RIVERA SAN JUAN, PR 00918 on (date) 10/14/2015; or

☐ I returned the summons unexecuted because _____; or

☐ Other (specify): _____

My fees are \$ 0.00 for travel and \$ 0.00 for services, for a total of \$ 0.00

I declare under penalty of perjury that this information is true.

Date: 10/14/2015



Server's signature

ROBERTO DIAZ - PROCESS SERVER

Printed name and title

CALLE SALVADOR BRAU 4-D-1-A COVADONTA
TOA BAJA, PR. 00949

Server's address

Additional information regarding attempted service, etc:

PROOF OF SERVICE VIA LEXISNEXIS FILE & SERVE

Commonwealth of Pennsylvania v. Exxon Mobil Corporation, et al.,
United States District Court, Southern District of New York Case No. 14-cv-06228 (SAS)

I, the undersigned, declare that I am, and was at the time of service of the paper(s) herein referred to, over the age of 18 years and not a party to this action. My business address is 1050 Fulton Avenue, Suite 100, Sacramento, CA 95825-4225.

On the date below, I served the following document on all counsel in this action electronically through LexisNexis File & Serve:

**DECLARATION OF BARBARA DRISCOLL IN SUPPORT OF
PLAINTIFF COMMONWEALTH OF PENNSYLVANIA'S OPPOSITION
TO VITOL SA'S MOTION TO DISMISS**

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

Executed on December 7, 2015, at Sacramento, California.


TONYA L. ZIMMERMAN